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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,557	07/29/2003	Takayuki Iida	Q76705	4745
23373 7590 10/31/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER JACKSON, BLANE J	
			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			10/31/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/628,557

Applicant(s)

IIDA, TAKAYUKI

Examiner

Blane J. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 24 is/are allowed.
- 6) ☒ Claim(s) 10, 16-22 and 25 is/are rejected.
- 7) ☒ Claim(s) 11-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 20 July 2007 have been fully considered but they are not persuasive. Claim 10 is rejected despite the clarifying amendment regarding the first communication means for communicating with a plurality of base stations, as opposed to a LAN, is included in the mobile telephone of Cannon of Zehavi modified and is not used to search or comprise judgement means to locate and select a wireless LAN communication equipment where the judgement means is the basis for the allowance of claim 1.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16-22 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect in part to claim 16, the meaning of "searching for a communicable *base station* within a wireless communication network, receiving base station information regarding communicable *base stations* located in the wireless communication network" with respect to a "base station" is not clear. The claim language of claims 1 and 15 support the search means *searches for pieces of the wireless LAN communication equipment* that are communicable with the

(second LAN communication means of the) wireless communication means, not a base station. The base station provides base station information in which to base a search for wireless communication equipment (LAN), not information of itself.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zehavi (US 2005/0083878) in view of Cannon et al. (US 7,058,358).

As to claim 10, Zehavi teaches an imaging apparatus comprising:

Image capturing means for obtaining image data (paragraphs 0010 and 0011),

Wireless communication means comprising a second communication means for communicating via a wireless local area network (LAN) with wireless LAN communication equipment for carrying out data communication with the wireless LAN communication equipment via the wireless LAN (paragraphs 0014, 0031-0034 and 0039, WLAN communication between the client camera device and a service point, the portable client device may be a cellular phone and includes a digital camera),

Image storage means for storing the image data obtained by the image capturing means (paragraph 0034, images stored in the camera for subsequent download).

Instruction means for receiving a transfer instruction regarding the image data stored in the image storage means (paragraph 0034, customer actuates an appropriate control on the camera).

Zehavi teaches an apparatus for customer service includes a wireless communication terminal to receive digital data over a wireless link from a portable device carried by a customer in a vicinity of the terminal, see Abstract, but does not teach a first communication means for communicating with a plurality of base stations and authentication information storage means for storing authentication information that is necessary for the data communication with the wireless LAN communication equipment via the wireless LAN and control means for automatically controlling the wireless communication means so as to send authentication information to the wireless LAN communication equipment with a transfer instruction and to send the imaged data to the LAN communication equipment after authentication.

Cannon teaches a piconet network device (100), perhaps a PDA or cell phone, that comprises a first communication means for communicating with a plurality of base stations and a second communication means, a short range wireless front end which must provide GPS coordinates (location) along with any other required authentication information to automatically gain access to a wireless network service, figures 1-3, column 4, lines 36-61. Cannon describe a wireless piconet security server (200) may determine authorization using earth coordinates before using a password received from the requesting wireless piconet network device, column 5, lines 21-57. Cannon further teaches the authorized area may be defined as internal to a particular perimeter or a

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specified distance from a particular point less than a given range of the wireless network, column 4, lines 62-67. Cannon discloses an application of the wireless network security system where the piconet wireless devices, such as a PDA including GPS capability, allows the *automatic exchange of certain data* (business cards) when within a particularly defined region such, as a conference room, column 6, lines 57-67.

Since Zehavi teaches the wireless camera device must be brought within range of one of the WLAN service points to transmit the image data over the link to the service point, paragraph 0010, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the image transfer system of Zehavi with the wireless authentication system of Cannon for restricted access to a wireless service center with an automatic exchange of digital data.

### ***Allowable Subject Matter***

Claims 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As to claim 11, the prior art made of record does not teach the imaging apparatus further comprising search means for carrying out a search for pieces of the wireless LAN communication equipment that are communicable with the wireless communication means in response to an external instruction input and selection means for receiving selection of a desired one of the pieces of the wireless LAN communication equipment from the result of the search.

Claims 1-9 and 24 are allowed. As to claim 1, the prior art made of record teaches a wireless communication means comprising a first and second communication means for communication with a plurality of base stations and a wireless local area network (LAN) respectively, but does not teach a judgment means comprising a database of information on a plurality of base stations whose coverage areas include a location of the wireless LAN communication equipment to be communicable with the second communication means and when the base station information is received from the first communication means, the judgment means refers to the database and judges whether or not the second communication means is within the coverage area of the wireless LAN communication equipment.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Thursday, 7:30 AM-6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Eileen J. Fisher". The signature is fluid and cursive, with the first name "Eileen" being more prominent and the last name "Fisher" following in a similar style.